

United States District Court

JUN 08 2009

JOHN F. CORCORAN, CLERK
BY: 
VIRGINIA DEPUTY CLERK

WESTERN


DISTRICT OF

VIRGINIA

UNITED STATES OF AMERICA

V.

Gustavo CARDENAS

 Road
Mebane, North Carolina

CRIMINAL COMPLAINT

CASE NUMBER: 709m5277

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or June 7, 2009 in Danville ^{City} ~~County~~, in the

Western District of Virginia defendant(s) did, (Track Statutory Language of Offense)

knowingly and intentionally possess with the intent to distribute a Schedule II Controlled Substance, to wit: Cocaine

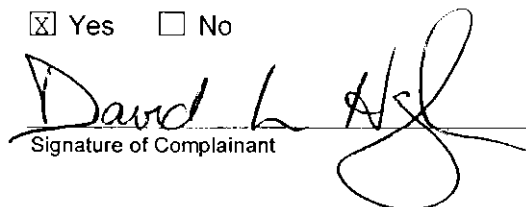
knowingly and intentionally conspire to possess with the intent to distribute a Schedule II Controlled Substance, to wit: Cocaine

in violation of Title 21 United States Code, 841 & 846

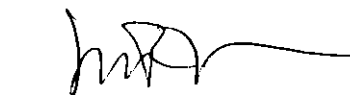
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part

☒ Yes ☐ No
Signature of Complainant

Sworn to before me, and subscribed in my presence,

June 8, 2009
Dateat Roanoke, Virginia
City and StateMichael F. Urbanski, U.S. Magistrate Judge
Name and Title of Judicial Officer
Signature of Judicial

AFFIDAVIT

I, David L. High, being duly sworn state the following:

I, David L. High, am a Special Agent of the Drug Enforcement Administration. I have been employed as a Special Agent of DEA for over twenty three years. Prior to that, I was a Special Enforcement Narcotics Officer in the State of Ohio for five years. During my career with DEA and other law enforcement agencies, I have specifically investigated drug trafficking crimes. I am familiar with methods utilized by drug traffickers to import, transport, and distribute controlled substances. I am familiar with violations of the Controlled Substances Act as they pertain to Title 21 of the United States Code.

The DEA Roanoke Resident Office in cooperation with the Pittsylvania County Sheriff's Office and the Virginia State Police have been investigating cocaine trafficking activities in south central Virginia. Gustavo CARDENAS has been identified as a multi-kilogram cocaine trafficker. Investigator Billy Chaney, acting in an undercover capacity, established negotiations with CARDENAS and arranged for the delivery of two kilograms of cocaine. I have not included all of the facts of this investigation in this affidavit, but only enough to establish probable cause.

Over the past several weeks Investigator Chaney, acting in an undercover capacity, has been negotiating with CARDENAS to purchase kilogram quantities of cocaine. On May 29, 2009, Investigator Chaney met CARDENAS on the parking lot of the Kangaroo gas station located on Route 29 in Pittsylvania County, Virginia. During that meeting, CARDENAS told Investigator Chaney he would sell Investigator Chaney three kilograms of cocaine. A few days later, CARDENAS provided Investigator Chaney with telephone number [REDACTED]. Through a series of recorded telephone conversations, CARDENAS agreed to sell two kilograms of cocaine to Investigator Chaney for \$66,000. Investigator Chaney and CARDENAS agreed to meet at Carter's Convenient Store located at 3103 West Main Street in Danville, Virginia, on June 7, 2009.

Handwritten signature and date:
6-8-09

On June 7, 2009, at approximately 10:40 AM, CARDENAS contacted Investigator Chaney and said he (CARDENAS) was on his way to Virginia. At approximately 10:57 AM, Investigator Chaney arrived in an undercover vehicle at Carter's Convenient Store. Surveillance and arrest teams were positioned in the area of the convenient store. At approximately 11:05 AM, surveillance observed a red Nissan Quest traveling north on Route 29. At approximately 11:07 AM, surveillance observed the Nissan Quest, operated by CARDENAS, arrive on the parking lot of Carter's Convenient Store and park next to the undercover vehicle. Investigator Chaney exited the undercover vehicle and entered the Nissan Quest on the passenger side. CARDENAS showed Investigator Chaney two kilograms of cocaine. The two kilograms of cocaine were contained inside of a cardboard Craftsman drill box. Investigator Chaney told CARDENAS he had the money for the cocaine and simultaneously gave the verbal arrest signal. Arrest teams responded and took CARDENAS into custody with out incident.

At approximately 11:19 AM, CARDENAS was advised of his Constitutional Rights, per Miranda by SA David High, as witnessed by SA Allen Ruis (VSP-BCI). CARDENAS elected to waive his Constitutional Rights and provided investigators with the following statements against his own penal interest:

CARDENAS stated he received the two kilograms from [REDACTED] on the "front" on the evening of June 6, 2009. CARDEANAS said he drove to [REDACTED] residence to pick up the cocaine. CARDENAS said [REDACTED] retrieved the cocaine from the bathroom of the residence. According to CARDENAS, [REDACTED] placed the two kilograms inside the cardboard Sears drill box. CARDENAS said he left the cocaine inside of his vehicle overnight before driving to Virginia meet Investigator Chaney. CARDENAS said he has been dealing with [REDACTED] for approximately two months. CARDENAS said [REDACTED] was expecting CARDENAS to return from Virginia with the money for the two kilograms of cocaine. CARDENAS said he could arrange for [REDACTED] to meet him to pick up the money. CARDENAS provided the telephone number [REDACTED] for [REDACTED]

W
6-8-09

SA High contacted SA Steve Razik of the DEA Greensboro Resident Office to coordinate further enforcement operations in North Carolina. CARDENAS described trailer park and [REDACTED] trailer to SA Razik and further stated [REDACTED] operated a black Chevrolet Tahoe and a black Ford Mustang.

CARDENAS placed a recorded telephone call [REDACTED] to [REDACTED] and informed [REDACTED] that he had to travel further into Virginia than anticipated and would be back to North Carolina later in the afternoon. CARDENAS accompanied investigators to Burlington, North Carolina, to meet SA Razik. CARDENAS identified [REDACTED] residence from an aerial photograph. Surveillance also identified a black Ford Mustang and a black Chevrolet Tahoe parked at the residence. The address of the residence was further identified as [REDACTED] Whitsett, North Carolina.

At approximately 4:03 PM, CARDENAS placed a second recorded telephone call [REDACTED] to [REDACTED] and requested [REDACTED] to meet CARDENAS on the parking lot of Advance Auto located at 2021 Webb Avenue in Burlington, North Carolina. The red Nissan Quest that CARDENAS had driven to Virginia was parked unattended on the parking lot of Advance Auto. CARDENAS was in police custody in a surveillance vehicle and in position to observe the parking lot of Advance Auto. Surveillance officers observed a black Chevrolet Tahoe leave the area of [REDACTED] Road within a few minutes of the call placed to CARILLO. At approximately 4:19 PM, a black Chevrolet Tahoe (NC tags [REDACTED]) was observed by surveillance as it pulled onto the parking lot of Advance Auto. CARDENAS identified [REDACTED] as he exited the Chevrolet Tahoe and arresting officers took [REDACTED] into custody without incident.

[REDACTED] was transported to a nearby location and advised of his Constitutional Right, per Miranda. [REDACTED] declined to make any statements and requested an attorney.

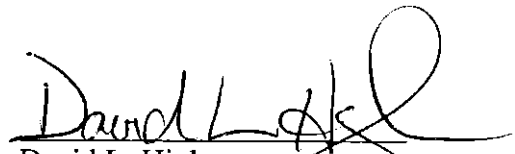
A consent search was granted by [REDACTED] who resides at [REDACTED] Whitsett, North Carolina. [REDACTED] and [REDACTED] live together at this residence. As a result of the search, one bottle of Inositol (common

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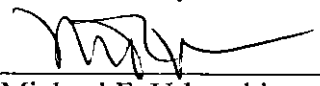
cocaine cutting agent) was seized from the bathroom of the residence. A Ruger 9mm semiautomatic pistol (serial# [REDACTED]) was seized from the back bedroom of the residence.

CARDENAS and [REDACTED] were transported to the Roanoke City jail and housed pending their initial appearance in federal court.

The above mentioned information contained in this affidavit is in violation of Title 21 of the United States Code, Sections 841 and 846.


David L. High
Special Agent, DEA

Sworn and subscribed to before
me this 8th day of June, 2009.



Michael F. Urbanski
United States Magistrate Judge